

EXHIBIT 14

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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IN RE GOOGLE PLAY STORE Case No.
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC,
et al.,
Case No. 3:20-cv-05671-JD

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REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
DOUGLAS BERNHEIM
Thursday, April 6, 2023

Reported By: Lynne Ledanois, CSR 6811

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Epic Games Inc. v. Google LLC,
et al.,
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Remote videotaped deposition of DOUGLAS
BERNHEIM, taken in Los Altos, California commencing
at 9:05 a.m. on Thursday, April 6, 2023 before Lynne
Ledanois, Certified Shorthand Reporter No. 6811.

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REMOTE APPEARANCES

Counsel for Plaintiff Epic Games, Inc. in:
Epic Games, Inc. v. Google LLC, et al:

CRAVATH, SWAINE & MOORE LLP

BY: GARY A. BORNSTEIN

ASHLEY ULRICH

Attorneys at Law

825 Eighth Avenue

New York, New York 10019

gbornstein@cravath.com

aulrich@cravath.com

Counsel for Google LLC, et al:

MUNGER TOLLES & OLSON LLP

BY: KYLE W. MACH

JAMIE LUGURI (Los Angeles)

Attorneys at Law

560 Mission Street

27th Floor

San Francisco, California 94105

kyle.mach@mto.com

jamie.luguri@mto.com

///

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REMOTE APPEARANCES

Counsel for Plaintiff States:

OFFICE OF THE ATTORNEY GENERAL

STATE OF UTAH

BY: MICHAEL ALTEBRANDO

Attorney at Law

111 S. Main Street

Suite 1800

Salt Lake City, Utah 84111

maltebrando@agutah.gov

-and-

OFFICE OF THE ATTORNEY GENERAL

STATE OF NEW YORK

BY: BRYAN BLOOM

Attorney at Law

28 Liberty Street

New York, New York 10005

Bbloom@ag.ny.gov

///

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REMOTE APPEARANCES

Counsel for the Proposed Class In re: Google
Play Consumer Antitrust Litigation:

BARTLIT BECK

BY: KARMA GIULIANELLI

Attorney at Law

1801 Wewetta Street

Suite 1200

Denver, Colorado 80202

k.giulianelli.@bartlitbeck.com

Counsel for Plaintiffs Match Group, LLC; Humor
Rainbow, Inc.; PlentyofFish Media ULC; and People
Media:

HUESTON HENNIGAN

BY: TATE HARSHBARGER

Attorney at Law

523 West 6th Street

Suite 400

Los Angeles, California 90014

tharshbarger@hueston.com

///

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REMOTE APPEARANCES

ALSO PRESENT:

Stephen Myers, Match Group

Jeanette Teckman, Match Group

Ben Scher, Bates White

Eric Scher, Bates White

Mathis Wagner, Bates White

Jeffree Anderson, Videographer

Chinyere Woods, Veritext Tech

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I N D E X O F E X A M I N A T I O N

Examination by:

Page

Mr. Mach

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Thursday, April 6, 2023

9:05 a.m.

THE VIDEOGRAPHER: Good morning. We're going on the record at 9:05 a.m. And audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Douglas Bernheim taken by counsel for the defendant in the matter of In Re Google Play Store Antitrust Litigation filed in the United States District Court for the Northern District of California, San Francisco Division. Case number is 3:21-md-02981-JD.

My name is Jeffree Anderson representing Veritext and I'm the videographer. The court reporter is Lynne Ledanois from the firm Veritext.

All parties are recorded on the record and you may swear in the witness. Thank you.

DOUGLAS BERNHEIM, Ph.D.,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. MACH:

Q Good morning, Dr. Bernheim.

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1 A It is, yes.

2 Q And on one side we have smartphone users;
3 correct?

4 A Yes.

5 Q And on the other side we have Android app
6 developers; correct, sir?

7 A Yes.

8 Q And just to use Google Play as an example
9 of a product in this market, Google Play is selling
10 its services -- Google is selling Google Play's app
11 distribution services to both smartphone users and
12 Android app developers; correct?

13 A Simultaneously, yes.

14 Q Focusing for a moment on smartphone users,
15 those smartphone users are the customer -- strike
16 that.

17 Smartphone users are one of Google's
18 customers for app distribution through Google Play;
19 correct?

20 A Yes. You can call them "customers," you can
21 call them "buyers." I often use the words "buyers"
22 and "sellers" when I'm identifying markets. But sure,
23 "customers" will do.

24 Q Android app developers are also customers
25 for -- strike that. Because I have a technical beep

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1 over here.

2 Android app developers are also one of
3 Google's customers for Google Play app distribution
4 services; correct?

5 A Yes.

6 Q These are your terms, so we're on the same
7 page, the developers are buyers of Android app
8 distribution services from Google; correct?

9 A Yes, they are buyers. Google is the seller
10 of the app distribution services.

11 Q And so, for example, a paid dictionary --
12 strike that.

13 The developer of a paid dictionary app
14 would purchase distribution services from Google to
15 distribute that app; correct?

16 A When we're defining markets, we don't think
17 about monetization. Monetization is not part of the
18 product.

19 So you just think about what need is being
20 met, who's providing it and whose need it is.

21 So here we have app developers who would
22 need to get their apps into users' phones. We have
23 users with a need to get those apps into their
24 phones. So they are the buyers, they are the
25 customers.

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1 We have a party, Google Play in your
2 example, who's providing service to both of them at
3 the same time to make that happen.

4 So all of that is described without saying
5 who pays for what because who pays for what is a
6 question about monetization.

7 Monetization is not part of the product.
8 The product is addressing the need.

9 Q So we used the term "buyers" a moment ago.
10 Do you recall that?

11 A Mm-hmm.

12 Q So if I use the term "buyer," you're
13 saying that a firm can be a buyer regardless of
14 whether it pays a positive price or a negative price
15 in effect; is that correct?

16 A That's correct. The way I'm using the terms
17 is a transaction involves delivering something of
18 value to parties in exchange for consideration. That
19 consideration does not have to take the form of cash.

20 That's just the monetization issue.

21 So the question is what is being -- what
22 value is being delivered in this transaction.

23 It is the app distribution service.

24 Q So that we don't kind of end up in an
25 eddy, I'm going to try to use your terminology here